IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

CRP.No. 258 of 2006(E)

AGAINST THE ORDER DATED 16/01/2006 IN EP 2222/2004 IN OS.1439/2003 of PRL.M.C.,IRINJALAKUDA

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REVN. PETITIONER: RESPONDENTS 1 & 3/ JUDGEMENT DEBTORS 1 AND 3:
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1. DASAN, S/O.THODIYAMPURATH KUTTAPPAN,
KARALAM VILLAGE DESOM,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. SANTHOSH, S/O.AMMANATH AYYAPPAN,
EDAKKULAM DESOM, POOMANGALAM VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: PETITIONER/DECREE-HOLDER

NAYASREE CHITTIES AND FINANCIERS (P) LIMITED,
IRINJALAKKUDA VILLAGE DESOM,
REP. BY ITS MANAGING DIRECTOR, IRINJALAKUDA.P.O,
THRISSUR DISTRICT.

BY ADV. SRI.K.G.BALASUBRAMANIAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 1235 OF 2006
IN
C.R.P. NO.258 OF 2006

DISMISSED

27/09/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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C.R.P. NO. 258 OF 2006

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Dated this the 27th day of September, 2007.

O R D E R

This revision petition is preferred against the order of arrest passed by the Principal Munsiff, Irinjalakuda on 25.3.06. This Court granted an order of interim stay on condition of deposit of Rs.7,500/- within a period of one month. I am informed by the decree holder that no such amount is received by him. So, the judgment debtor is a person who is not very serious in obeying the orders of the Court or making payment of the decree amount. The learned counsel for the decree holder also submits before me that there was a contention regarding the means but the judgment debtor only wanted time for payment and therefore the Court posted it for payment and as no payment was made, arrest was ordered. But, in order to avoid undue hardship to the judgment debtor I feel that one more chance can be given to him to wipe off the liability in the following terms.

1. The judgment debtor is directed to pay to the

decree holder an amount of Rs.10,000/- on or before 22.10.07 and to pay the balance amount in two monthly equal instalments.

2. If the judgment debtor fails to pay the amount of Rs.10,000/- on the prescribed date he shall loose the benefit of concession given to him and the decree holder can request the Court below to execute the warrant of arrest.

3. If there is a default in making payment of anyone of the instalments, that will also entail in loosing the benefit.

4. In order to facilitate the judgment debtor to wipe off the liability as ordered, the Court below is directed to defer the execution of the warrant for the above period as stated.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-